United Nations S/2002/581

Security Council

Distr.: General
24 May 2002

Original: English

Letter dated 22 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Eritrea, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Letter dated 1 February 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Eritrea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit the attached first report of the State of Eritrea in accordance with paragraph 6 of Security Council resolution 1373 (2001) (see enclosure). The report has been drafted in the form of answers to the questions contained in the Committee's "Guidance for the submission of reports".

(*Signed*) Tesfa Alem **Seyoum**
Chargé d'affaires a.i.

Enclosure

Answers to the questions forwarded by the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) of 28 September 2001

Question 1 (a): What measures if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

The banks operating in Eritrea are subject to government inspection pursuant to article 27 of Proclamation 94/1997 (financial institutions proclamation). Besides, transfers of funds are made in accordance to specified procedures that guarantee prevention against illegal ways.

Question 1 (b): What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

Non-profit entities such us associations and endowments are established by the Transitional Civil Code of the State of Eritrea. They carry out activities related to their declared objectives, as enunciated in their constitutive instruments (their status and memoranda of association). According to the rules and procedures of the proclaimed laws, such entities are required to have their financial statements, which reflect movements of their funds, verified by certified auditors and that the report of the said verification and other activities submitted to the appropriate government authorities. Such entities are subject to dissolution when and if their activities are found to be illegal. Furthermore, the law provides for the regulation of activities of foreign entities within the State of Eritrea by authorized governmental bodies. With regard to religious institutions, article 7(s) of Proclamation No. 73/1995 provides that overseas assistance or donations to such institutions can be obtained only with prior governmental approval.

Question 1 (c): What legislation and procedures exist for freezing accounts and assets at banks and financial institutions?

Please refer to the answer for sub-paragraph 1 (b). The Transitional Penal Code of Eritrea has provisions to enable the government to do these and beyond.

Question 1 (d): What measures exist to prohibit the activities listed in this sub-paragraph?

Answer provided for sub-paragraph 1 (b) also applies to this question. In accordance with Article 32 (2b) of the Transitional Penal Code, a person associated with a commission of an offence is considered a principal offender, even if that person did not actually commit the crime personally. An example is, financing or financial assistance to a criminal act. In this regard, it is taken as a criminal offence by way of willfully assisting a principal offender to carry out a crime punishable by law.

Question 2 (a): What legislation or other measures are in place to give effect to this sub-paragraph? In particular what offence in your country prohibits (1) recruitment to terrorists group (2) the supply of weapons to terrorists? What other measure help prevent such activities?

The formation of armed societies or bandits and military trainings are prohibited under article 477 of the Transitional Penal Code. Harbouring, aiding and abetting such evildoers are crimes under article 473 of the aforementioned code. Trafficking of arms is also prohibited under article 475 of the same code.

Question 2 (b): What other steps are being taken to prevent the commission of terrorist acts and in particular, what early warning mechanisms exit to allow exchange of information with other States?

Eritrea has acceded to the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism and is now considering accession to the international convention for the suppression of terrorism. Law enforcement authorities of the State of Eritrea have already been jointly working with their counter parts in the sub-region and in Africa and as well as cooperating with ICPO/Interpol in the exchange of information on prevention and suppression of terrorism.

Question 2 (c): What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding and expelling the types of individuals referred to in this paragraph?

Eritrea does not provide safe haven for those who finance, support or commit terrorist acts. In addition, our immigration law empowers the relevant governmental body to prohibit undesirable elements from entering the territory of the State of Eritrea. Our Transitional Penal Code also authorizes the court to expel convicted aliens.

Question 2 (d): What legislation or procedures exit to prevent terrorist action from your territory against other States or citizens (refer to the OAU convention and other agreements)?

Please refer to the reply for sub-paragraph 2 (b).

Question 2 (e): What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts?

The reply under paragraph 2 (d) applies here as well. As a nation in transition, we would also like to mention that the State of Eritrea is drafting its new codes, including the Penal Code. There is reference to the commission of homicide as a deliberate act of terror in the Draft Penal Code. Hijacking of an aircraft is thus a crime subject to a severe punishment under the law.

Question 2 (f): What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

The response given in sub-paragraph 2 (b) applies here too. [The OAU convention also provides for the exchange of information to facilitate assistance among States.]

Question 2 (g): How do border controls prevent the movement of terrorists? How do your procedures for the issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

According to the Eritrean Law and Immigration Regulations, those entering or leaving the State of Eritrea by air, land or sea, must have valid travel documents and visas at the ports. Immigration officers are authorized to check every person. They ensure that all persons possess appropriate identity papers and travel documents and check against alterations of documents. They also refer to a database that stores information on criminal activities. The requirements for obtaining the Eritrean identity card and passport are tough. Being free from a crime is one of the criteria for obtaining of such documents. Serious measures have been taken to strengthen the security features of these documents. The borders are strictly monitored against smuggling and illegal entries of foreign nationals. It should be stressed that the severe penalties attached to crimes of forgery, falsification and counterfeiting of instruments in the Transitional Penal Code of the State of Eritrea serve as strong warnings. In aviation security, the Civil Aviation Department of the Ministry of Transport has published a safety manual to promote passengers and baggage security requirements and ensure overall aviation safety.

Question 3 (a)-3 (e): What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated this sub-paragraph? What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph? Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph?

Please see the reply under sub-paragraph 2 (b).

Question 3 (f): What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status?

The overall law relating to refugees is still under study. At the present time, the number of refugees in Eritrea is not big. Therefore, it is manageable. The government is cooperating with the UNHCR on this matter.

Question 3 (g): What procedures are in place to prevent the abuse of refugee status by terrorists?

The reply in sub-paragraph 3 (f) is equally applicable to this question.